

AN ACT

relating to driver training and education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.001, Education Code, is amended by adding Subdivision (14-a) to read as follows:

(14-a) "National criminal history record information" has the meaning assigned by Section 22.081.

SECTION 2. Subchapter A, Chapter 1001, Education Code, is amended by adding Section 1001.006 to read as follows:

Sec. 1001.006. REVIEW OF AGENCY JURISDICTION AND CONTROL OVER DRIVER EDUCATION AND DRIVING SAFETY SCHOOLS. During the Sunset Advisory Commission's review of the agency under Section 7.004 concerning abolition of the agency on September 1, 2013, the commission shall review the agency's jurisdiction and control over driver education and driving safety schools and include in its report to the legislature and governor under Section 325.010, Government Code, a recommendation as to whether another state agency should have jurisdiction and control over those schools. This section expires January 1, 2014.

SECTION 3. Section 1001.055, Education Code, is amended to read as follows:

Sec. 1001.055. DRIVER EDUCATION CERTIFICATES AND CERTIFICATE NUMBERS. (a) The agency shall provide [~~print and supply~~] to each licensed or exempt driver education school driver

1 education certificates or certificate numbers to enable the school  
2 and each approved parent-taught course provider (approved by the  
3 Texas Department of Public Safety under Section 521.205 of the  
4 Transportation Code) to print and issue agency-approved driver  
5 education certificates with the certificate numbers to be used for  
6 certifying completion of an approved driver education course to  
7 satisfy the requirements of Sections 521.204(a)(2) and 521.1601,  
8 Transportation Code. [~~The certificates must be numbered serially.~~]

9 (a-1) A certificate printed and issued by a driver education  
10 school or Department of Public Safety approved course provider  
11 must:

12 (1) be in a form required by the agency; and

13 (2) include an identifying certificate number  
14 provided by the agency that may be used to verify the authenticity  
15 of the certificate with the driver education school or Department  
16 of Public Safety approved course provider.

17 (a-2) A driver education school or Department of Public  
18 Safety approved course provider that purchases driver education  
19 certificate numbers shall provide for the printing and issuance of  
20 original and duplicate certificates in a manner that, to the  
21 greatest extent possible, prevents the unauthorized production or  
22 the misuse of the certificates. The driver education school or  
23 Department of Public Safety approved course provider shall  
24 electronically submit to the agency in the manner established by  
25 the agency data identified by the agency relating to issuance of  
26 agency-approved driver education certificates with the certificate  
27 numbers.

1        (a-3) Certificate numbers must be in serial order so that  
2 the number on each issued certificate is unique.

3        (b) The agency by rule shall provide for the design and  
4 distribution of the certificates and certificate numbers in a  
5 manner that, to the greatest extent possible, prevents the  
6 unauthorized reproduction or misuse of the certificates or  
7 certificate numbers.

8        (c) The agency may charge a fee of not more than \$4 for each  
9 certificate or certificate number.

10       SECTION 4. Subchapter F, Chapter 1001, Education Code, is  
11 amended by adding Sections 1001.2511, 1001.2512, 1001.2513, and  
12 1001.2514 to read as follows:

13       Sec. 1001.2511. NATIONAL CRIMINAL HISTORY RECORD  
14 INFORMATION REVIEW FOR DRIVER EDUCATION INSTRUCTORS. (a) This  
15 section applies to a person who is an applicant for or holder of:

16                (1) a driver education instructor license; or

17                (2) a license issued under Section 1001.255.

18        (b) The agency shall review the national criminal history  
19 record information of a person who holds a license described by  
20 Subsection (a).

21        (c) The agency shall place a license described by Subsection  
22 (a) on inactive status for the license holder's failure to comply  
23 with a deadline for submitting information required under this  
24 section.

25        (d) The agency may allow a person who is applying for a  
26 license described by Subsection (a) and who currently resides in  
27 another state to submit the person's fingerprints and other

1 required information in a manner that does not impose an undue  
2 hardship on the person.

3 (e) The commissioner may adopt rules to administer this  
4 section, including rules establishing:

5 (1) deadlines for a person to submit fingerprints and  
6 photographs in compliance with this section;

7 (2) sanctions for a person's failure to comply with the  
8 requirements of this section, including suspension or revocation of  
9 or refusal to issue a license described by Subsection (a); and

10 (3) notification to a driver education school of  
11 relevant information obtained by the agency under this section.

12 (f) The agency is not civilly or criminally liable for an  
13 action taken in compliance with this section.

14 (g) The commissioner by rule shall establish a schedule for  
15 obtaining and reviewing the information a person must provide the  
16 agency under this section. Not later than September 1, 2013, the  
17 agency must obtain all national criminal history record information  
18 on all holders of licenses described by Subsection (a). This  
19 subsection expires October 1, 2013.

20 Sec. 1001.2512. FEES FOR CRIMINAL HISTORY RECORD  
21 INFORMATION REVIEW. The commissioner by rule shall require a  
22 person submitting to a national criminal history record information  
23 review under Section 1001.2511 or the driver education school  
24 employing the person, as determined by the agency, to pay a fee for  
25 the review in an amount not to exceed the amount of any fee imposed  
26 on an application for certification under Subchapter B, Chapter 21,  
27 for a national criminal history record information review under

Section 22.0837.

Sec. 1001.2513. CONFIDENTIALITY OF INFORMATION.

Information collected about a person to comply with Section 1001.2511, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records:

(1) may not be released except:

(A) to provide relevant information to driver education schools or otherwise to comply with Section 1001.2511;

(B) by court order; or

(C) with the consent of the person who is the subject of the information;

(2) is not subject to disclosure as provided by Chapter 552, Government Code; and

(3) shall be destroyed by the requestor or any subsequent holder of the information not later than the first anniversary of the date the information is received.

Sec. 1001.2514. LICENSE HOLDERS AND APPLICANTS CONVICTED OF CERTAIN OFFENSES. (a) A driver education school shall discharge or refuse to hire as an instructor an employee or applicant for employment if the agency obtains information through a criminal history record information review that:

(1) the employee or applicant has been convicted of:

(A) a felony offense under Title 5, Penal Code;

(B) an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

1                    (C) an offense under the laws of another state or  
2 federal law that is equivalent to an offense under Paragraph (A) or  
3 (B); and

4                    (2) at the time the offense occurred, the victim of the  
5 offense described by Subdivision (1) was under 18 years of age or  
6 was enrolled in a public school.

7                    (b) The agency shall suspend or revoke a license described  
8 by Section 1001.2511(a) held by a person under this subchapter and  
9 shall refuse to issue or renew a license described by Section  
10 1001.2511(a) to a person under this subchapter if the person has  
11 been convicted of an offense described by Subsection (a) of this  
12 section.

13                    (c) Subsections (a) and (b) do not apply to an offense under  
14 Title 5, Penal Code, if:

15                    (1) more than 30 years have elapsed since the offense  
16 was committed; and

17                    (2) the person convicted has satisfied all terms of  
18 the court order entered on conviction.

19                    (d) A driver education school may discharge an employee who  
20 serves as an instructor if the school obtains information of the  
21 employee's conviction of a felony or of a misdemeanor involving  
22 moral turpitude that the employee did not disclose to the school or  
23 the agency. An employee discharged under this subsection is  
24 considered to have been discharged for misconduct for purposes of  
25 Section 207.044, Labor Code.

26                    SECTION 5. Section 1001.253, Education Code, is amended by  
27 amending Subsection (d) and adding Subsection (g) to read as

1 follows:

2 (d) Except as provided by Subsection (g) or Section  
3 1001.254, a driver education instructor license authorizing a  
4 person to teach or provide classroom training may not be issued  
5 unless the person:

6 (1) has completed nine semester hours of driver and  
7 traffic safety education or a program of study in driver education  
8 approved by the commissioner from an approved driver education  
9 school; and


10 (2) holds a teaching certificate and any additional  
11 certification required to teach driver education.

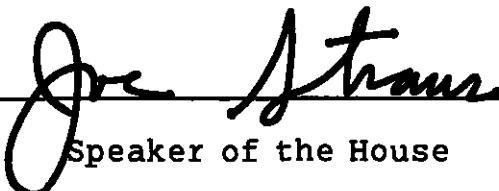
12 (g) A driver education instructor license authorizing a  
13 person to teach or provide classroom training may be issued to a  
14 person who satisfies the requirements of Subsection (d)(1) but does  
15 not satisfy the requirements of Subsection (d)(2), except that such  
16 a license may authorize the license holder to teach or provide  
17 classroom training only for a driver education school that is  
18 located in a county that has a population of at least 275,000 but  
19 not more than 285,000 and is operated by a private primary or  
20 secondary school or open-enrollment charter school. This section  
21 does not affect any law or school policy that requires a review of  
22 criminal history record information.

23 SECTION 6. As soon as practicable after the effective date  
24 of this Act, the Texas Education Agency shall begin obtaining  
25 national criminal history record information for persons subject to  
26 a national criminal history record review under Section 1001.2511,  
27 Education Code, as added by this Act.

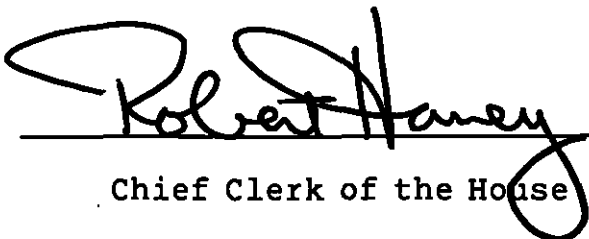
1        SECTION 7.    This Act takes effect September 1, 2011.



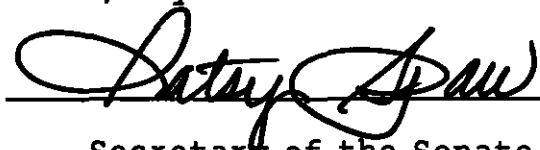
  
President of the Senate

H.B. No. 2678  
  
Speaker of the House

I certify that H.B. No. 2678 was passed by the House on May 6, 2011, by the following vote: Yeas 129, Nays 5, 2 present, not voting.

  
Chief Clerk of the House

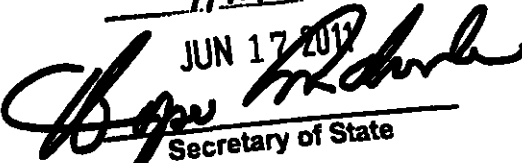
I certify that H.B. No. 2678 was passed by the Senate on May 25, 2011, by the following vote: Yeas 31, Nays 0.

  
Secretary of the Senate

APPROVED: 17 Jun'11

Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4PM O'CLOCK  
JUN 17 2011  
  
Secretary of State